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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

DENNIS MONTGOMERY,  
  
Plaintiff,  
  
v.  
  
JAMES RISEN, ET. AL.  
  
Defendant.

Case No. **8:15-mc-00031-CJC-JCG**

[Pending in the Southern District of  
Florida, Case 15-20782-CIV]

**PLAINTIFF'S REPLY TO JAMES  
RISEN, HOUGHTON MIFFLIN  
HARCOURT PUBLISHING  
COMPANY AND HOUGHTON  
MIFFLIN HARCOURT COMP  
ANY'S RESPONSE TO  
PLAINTIFF'S MOTION TO  
COMPEL**

1  
2 The interested parties' response of November 24, 2015, is bizarre, amateurish, lack'sclass  
3 and in fact makes Plaintiff's point. Other than to disingenuously deny collusion with Deponent  
4 Michael Flynn, the email between counsel for the interested party and Mr. Flynn pleading speaks  
5 for itself. Attached. Counsel seems more inclined to ridiculously attack Larry Klayman, who's  
6 not even counsel of record, rather than address the merits of Plaintiff's motion. The indisputable  
7 reality is that Mr. Flynn defied a subpoena and made himself allegedly "unavailable" for many  
8 weeks until after the discovery deadline was to run in this case.

9 It is certainly notable that Mr. Flynn found the time to communicate with the interested  
10 parties' counsel by first name but did not pick up the phone for Plaintiff's counsel<sup>1</sup>. The bottom  
11 line is that Plaintiff respectfully requests an expedited ruling in this case to enforce the rule of  
12 law to compel Mr. Flynn's deposition, as he was duly served, is an attorney, and knows his  
13 responsibilities to respect this Court. Thus far he has flouted this Court<sup>2</sup> and should respectfully  
14 have to pay attorney's fees and costs as well.

15 **This Court can respectfully rule immediately on this motion, as Mr. Flynn has not**  
16 **objected in nearly two months and has thus waived any right to contest the subpoena.**

17 Dated: November 25, 2015

18  
19 Respectfully Submitted,

20 /s/ Naveed Mahboobian

21 Naveed Mahboobian

22 CA Bar No. 279464

23 <sup>1</sup> As set forth in Plaintiff's initial pleading, Mr. Flynn has likely violated attorney-client privilege  
24 with Plaintiff and thus likely wishes to avoid testifying at a deposition.

25 <sup>2</sup> Interested party makes reference that this motion was first filed in the U.S. District Court for  
26 the Southern District of California. This court effectively found this motion was more  
27 appropriately filed in the Central District of California and thus Plaintiff timely re-filed the  
28 motion in this Court.

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Attorney for Plaintiff

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 25th day of November, 2015, a true and correct copy of the foregoing was served via CM/ECF or U.S. Mail upon the following:

Via CM/ECF:

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/s/ Naveed Mahboobian  
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